United Nations A/67/289

General Assembly

Distr.: General
10 August 2012

Original: English

Sixty-seventh session
Item 70 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Protection of and assistance to internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly, in accordance with resolution 66/165, the report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani.

* A/67/150.

12-45956 (E) 120912

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Summary

The report outlines the major activities undertaken by the mandate during the period from August 2011 to July 2012. It also provides a thematic review of the evolution of, and achievements and new challenges and trends relating to, internal displacement over the past two decades, a theme which marks the occasion of the twentieth anniversary of the mandate on the human rights of internally displaced persons.

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I. Introduction

1. The present report provides an overview of the main activities undertaken by the Special Rapporteur on the human rights of internally displaced persons during the period between August 2011 and July 2012. The report also contains a thematic section on the evolution of, and challenges and trends relating to, internal displacement over the past two decades, a theme intended to provide an opportunity for reflection in the context of the twentieth anniversary of the mandate and the ongoing challenges and changing realities of internal displacement.

II. Mandate and activities of the Special Rapporteur

A. Mandate of the Special Rapporteur

2. The Human Rights Council, in its resolutions 6/32 and 14/6, mandated the Special Rapporteur with the task of addressing the complex problem of internal displacement, in particular by mainstreaming the human rights of internally displaced persons into all relevant parts of the United Nations system, working towards strengthening the international response to the complex problem of internal displacement, engaging in coordinated international advocacy and action for improving the protection and respect of the human rights of internally displaced persons, and enhancing dialogue with Governments, non-governmental organizations and other relevant actors.

3. In accordance with his mandate, the Special Rapporteur has endeavoured to promote a rights-based approach to internal displacement through dialogue with Governments, as well as through his mainstreaming and advocacy activities within the United Nations and regional organizations. He would like to express his appreciation to those Governments which have issued invitations or otherwise engaged with the mandate, and to the various United Nations and other international organizations which have provided their support to his mandate activities.

B. Country engagement

Kenya

4. The Special Rapporteur carried out an official visit to Kenya from 18 to 27 September 2011 in order to study the current situation of internally displaced persons in the country, including those displaced as a result of the 2007/08 post-election violence and other causes, such as natural disasters and environmental conservation projects (see A/HRC/19/54/Add.2). He found that the Government of Kenya had taken a number of significant steps to address internal displacement in the country, including by developing a draft policy and a bill on internally displaced persons, and assisting in the return and resettlement of some displaced persons affected by the post-election violence, which had resulted in the displacement of over 650,000 persons. In view of the repeated waves and multiple causes of internal displacement in the recent history of Kenya, however, the Special Rapporteur believes that a comprehensive strategy is necessary in order to prevent forced internal displacement in the future and to provide effective assistance, protection and durable solutions to displacement-affected communities.

5. On the basis of his field visits to sites of displacement, he found that there was an urgent humanitarian need to address the current living conditions and human rights of many internally displaced persons, including persons displaced by the 2007/08 post-election violence, and the Mau Forest evictees. The Special Rapporteur also found that the lack of accurate and efficient systems of registration and disaggregated data collection had resulted in a situation where many internally displaced persons were not included in assistance, protection and durable solutions programmes. In view of his findings, he recommended that the authorities review those systems in order to assist internally displaced persons still in need; develop a more comprehensive data collection system, inclusive of all categories of internally displaced persons; set in place a legal and policy framework on internally displaced persons, and ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons; and adopt a broad approach to durable solutions and ensure that returns are safe, voluntary and informed. He highlighted that assisting internally displaced persons in achieving durable solutions is an important step towards reconciliation and peace in Kenya.

Afghanistan

6. From 12 to 16 July 2012, at the invitation of the Government of Afghanistan, the Special Rapporteur held dialogue sessions with Government officials and participated in a national consultative workshop on the development of a national policy on internal displacement, organized on 15 and 16 July in Kabul. The workshop, which was led by the Ministry of Refugees and Repatriation with the support of civil society and the United Nations, was aimed at establishing a road map for key stages in the development of a policy on internal displacement. The Special Rapporteur congratulates the Government of Afghanistan on this important initiative and wishes to express his commitment to continuing to provide his assistance in this regard.

Côte d'Ivoire

7. From 23 to 31 July 2012, the Special Rapporteur conducted an official visit to Côte d'Ivoire at the invitation of the Government. He commends the Government for the work that has been done towards re-establishing law and order in the country. In cooperation with the international community, it has also largely ensured that returns of internally displaced persons, estimated at 1 million at the height of the post-election crisis in March 2011, have been voluntary.

8. He noted, however, that there was a need to address the continued human rights, assistance and protection needs of internally displaced persons in Côte d'Ivoire, many of whom still lack durable solutions, livelihood opportunities and confidence in the security sector. It is critical that displacement-affected and receiving communities be supported in their efforts to assist internally displaced persons and that the internally displaced themselves be adequately assisted in rebuilding their lives and participating in the reconciliation process. The ongoing security sector reforms, the disarmament, demobilization and reintegration process, and measures to strengthen the rule of law must also be fully set in place in order to ensure the durability of returns, restore confidence in security structures and stem human rights violations. Those reforms, which are necessary to consolidate peace, should be based on a principled and transparent approach and give due consideration to issues and concerns relating to internally displaced persons. Addressing other challenges,

such as those relating to land reforms and personal identity documents, i.e., birth registrations, is also essential in order to deal with the underlying causes of displacement and provide effective human rights protection for all.

9. Since assuming his mandate, the Special Rapporteur has made requests to visit the following countries: Bangladesh, Colombia, Haiti, Myanmar, Pakistan, Papua New Guinea, the Philippines, Serbia, South Sudan, the Sudan and the Syrian Arab Republic. He thanks the Governments of Haiti and the Sudan for their positive reply to his requests.

C. Cooperation with regional, international and civil society organizations

10. The Special Rapporteur is pleased to report on his ongoing collaboration with regional and international organizations, such as African regional organizations and mechanisms, and the International Organization for Migration (IOM). Among others, he has engaged closely with regional organizations in Africa for the promotion, ratification and implementation at the national level of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the first legally binding regional instrument specifically relating to the protection of and assistance to internally displaced persons. To that end, he participated in a number of events, including the Summit of Heads of State of the International Conference on the Great Lakes Region, held from 14 to 16 December 2011 in Kampala, and the 126th session of the Inter-Parliamentary Union Assembly, held from 30 March to 5 April 2012, also in Kampala.

11. In addition to regular dialogue sessions, the Special Rapporteur participated in a number of events on internal displacement, such as a panel discussion on displacement induced by natural disasters, organized by IOM on 20 July 2012 in New York, and provided briefings to groups such as the Humanitarian Liaison Working Group on his mandate priorities and country visits, on 19 October 2011.

12. The Special Rapporteur has maintained strong contacts with civil society organizations, in Geneva, in New York and in the field. In particular, he wishes to express his appreciation for the support provided to his mandate through the Brookings-London School of Economics Project on Internal Displacement (Brookings-LSE project). He also wishes to express his appreciation for the cooperation of the Internal Displacement Monitoring Centre on various issues of mutual interest. In the field, civil society organizations play a vital role in supporting the mandate by sharing information, articulating the human rights impact of internal displacement in various contexts and acting as a liaison with displaced communities. From 18 to 23 June 2012, the Special Rapporteur participated in San Remo, Italy, in the eighth annual course on the law of internal displacement, co-organized and supported by the Brookings-LSE project, the International Institute of Humanitarian Law, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Among the participants in the course were 23 Government officials from 13 displacement-affected countries. In this context, the Special Rapporteur is pleased to announce the establishment of a new week-long annual San Remo Seminar on International Law and Legal Protection in Natural Disasters, intended for practitioners and lawmakers. The first seminar will be held from 3 to 7 December 2012.

13. The Special Rapporteur participated in a number of other forums and events on internal displacement organized by civil society and other relevant actors, including panel discussions on climate change adaptation (7 October 2011), the role of women in conflict situations (2 May 2012) and transitional justice and displacement (28 June 2012), held in Washington, D.C., and Geneva, and organized by the Brookings-LSE project; and a roundtable discussion on current priorities and challenges on internal displacement (23 March 2012), hosted by the United States Agency for International Development (USAID) in Washington, D.C.

D. Mainstreaming the human rights of internally displaced persons in the United Nations system

14. During the reporting period, the Special Rapporteur participated in the Inter-Agency Standing Committee, the key platform for mainstreaming the human rights of internally displaced persons within the United Nations system and the wider humanitarian community. He also maintained close cooperation with key United Nations entities, including OHCHR, UNHCR and the Office for the Coordination of Humanitarian Affairs. He engaged with them through dialogue sessions on current challenges and responses to situations of internal displacement, occasional exchanges of information and briefings, and discussions on potential areas of cooperation, both at the headquarters and the field levels. The mandate also participated in a number of activities organized by those bodies, including the regular meetings and annual retreat of the Global Protection Cluster; activities for the promotion of the Kampala Convention; and events such as a seminar on the theme "Addressing the adverse impacts of climate change on the full enjoyment of human rights", organized by OHCHR on 23 and 24 February 2012 in Geneva, and the Regional Consultation for South and Eastern Europe and Central Asia on Women in Conflict and Post-conflict Situations, organized by the Committee on the Elimination of Discrimination against Women on 11 May 2012 in Turkey.

15. To mark its twentieth anniversary, the mandate, in conjunction with relevant partners and sponsors, organized a series of events, including a panel discussion on the theme "Influencing our common future: the role of internally displaced women in recovery, peacebuilding and durable solutions" (7 March 2012) and a side event at the Human Rights Council on internally displaced persons living outside camps (29 June 2012), both held in Geneva.

III. Thematic section: evolution, challenges and trends in internal displacement

A. Introduction

16. In 2012, the mandate on the human rights of internally displaced persons, established pursuant to Commission on Human Rights resolution 1992/73, celebrates its twentieth anniversary. To mark this occasion, the present thematic section of the report provides an overview of the evolution of, and the achievements, challenges and trends relating to, internal displacement over the past two decades; a theme intended to provide an opportunity for reflection on key milestones, and for engaging in forward thinking as both new and long-standing

displacement challenges continue to be addressed. Born from a recognized need to address the phenomenon of internal displacement, this mandate, the Guiding Principles on Internal Displacement, which it developed, and the efforts to strengthen the humanitarian response system since the 1990s continue to be as relevant as ever.

B. Current internal displacement: figures and causes

17. According to recent estimates, at the end of 2011 the number of persons internally displaced owing to armed conflict, generalized violence or human rights violations stood at 26.4 million.[1] This figure included new large-scale displacements in several regions, including in Africa and the Middle East.[2] Protracted displacement, including long-standing situations in which one or more generations have grown up in displacement, were also a key feature of displacement trends in 2011, affecting an estimated 40 countries.[3] The current figure of nearly 27 million internally displaced persons worldwide reflects a steady increase over the past 15 years due to new displacements but also to unresolved protracted displacement situations and ongoing internal conflicts. In the late 1990s this figure was less than 20 million.[4]

18. As highlighted by the Special Rapporteur in his report to the General Assembly in 2011 (A/66/285), natural hazards, the majority of which are due to climate-related disasters, represent an increasingly important cause of internal displacement worldwide. In 2011, at least 61 countries were affected and a total of nearly 15 million persons were newly displaced owing to either a severe threat or the impact of disasters related to sudden onset natural hazards, the most severe effects of which were felt in Asia.[5]

19. The majority of such displacements over the past four years have been due to a small number of large and megadisasters. Although megadisasters are relatively rare they have a great impact on internal displacement figures.[6] In terms of the number of internally displaced persons, in 2011 the top 10 disasters continued to be in Asia, including multiple events in China, the Philippines, Sri Lanka and Japan.[7] In contrast to the visibility of large and megadisasters, many smaller disasters go relatively underreported. Yet, their impact on low-income households and communities, especially if they are recurrent, has the effect of undermining resilience and aggravating vulnerabilities or creating new ones. As such, they are an issue deserving of further attention by humanitarian and development actors alike.[8]

20. Although significant data and research exist with regard to displacement due to sudden onset hazards, slow onset natural hazards and disasters, for example drought and desertification, and their impact on internal displacement are a feature of climate change which is less understood and on which far fewer data are readily

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[1] Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (NRC), "Global Overview 2011: people internally displaced by conflict and violence", April 2012, p. 13.

[2] Ibid., pp. 13-14.

[3] Ibid., p. 14.

[4] Ibid., p. 13.

[5] IDMC and NRC, "Global estimates 2011: people displaced by natural hazard-induced disasters", June 2012, pp. 4-5.

[6] Megadisasters are defined as "events which displace more than a million people"; ibid., p. 4.

[7] Ibid.

[8] Ibid., p. 5.

available. It is essential that work continue to be undertaken in this area in order to improve the monitoring of displacement patterns, the availability and quality of data collection, and appropriate prevention and response systems.

C. Historical evolution: articulating human rights specific to the needs of internally displaced persons

21. The recognition of the need to address internal displacement and to develop international standards for internally displaced persons first came to the fore in the 1990s. While in 1982 only 1.2 million people were estimated forcibly displaced in 11 countries, by 1995 this figure had peaked to an estimated 20 million to 25 million in over 40 countries, largely owing to a proliferation of civil wars, ethnic strife and human rights abuses.[9] Uprooted but remaining within the borders of their own countries, the 1951 Convention Relating to the Status of Refugees did not apply to them, and no international system existed to assist them or to guide States. The end of the Cold War was a further factor highlighting the situation of internally displaced persons. Cross-border movements became easier, existing notions of sovereignty were changing and the need to provide protection and assistance to internally displaced persons confined within the borders of their own countries was increasingly recognized.[10] The lack of clear standards for the protection and assistance of internally displaced persons was a glaring problem, however, and it became evident that there was a need for normative guidance to define internally displaced persons and their specific rights, and for an institutional response to their needs that was timely, predictable and comprehensive.

22. In 1992, the United Nations Secretary-General noted that indeed there was no clear statement of the human rights of internally displaced persons and that international law in that regard consisted in a patchwork of customary and conventional standards (E/CN.4/1992/23, para. 103). He called for the elaboration of guidelines that would clarify the implications of existing human rights law for persons who were internally displaced, and fashion from existing standards one comprehensive, universally applicable body of principles which addressed the main needs and problems of such persons (ibid., para. 104).

23. This call was in large part due to the efforts of a group of non-governmental organizations, which in 1990 undertook a joint campaign to highlight the gaps in the international system with respect to internally displaced persons and to advocate for the development of relevant international standards and the appointment of a United Nations representative on internally displaced persons.[11] In 1992, the then Commission on Human Rights adopted resolution 1992/73, in which it called upon the Secretary-General to appoint a representative on internally displaced persons, who was tasked as one of his first activities to examine the applicability of international human rights and humanitarian and refugee law to the protection of internally displaced persons. Francis Deng, a scholar and diplomat from the Sudan, was appointed Special Representative and, together with a team of international

[9] Roberta Cohen, "The Guiding Principles on Internal Displacement: an innovation in international standard setting", p. 460, in *Global Governance*, 10 (2004), pp. 259-480.

[10] Ibid., p. 461.

[11] Roberta Cohen, "The Guiding Principles", p. 462.

legal experts and institutions, set out to fulfil this mandate, including through extensive consultations over several years.

24. When seeking to identify specific rights for internally displaced persons, based on the particular needs of this category of persons, the Special Representative and the legal team found that some grey areas and gaps existed. They concluded that, while improving protection for internally displaced persons would indeed require a restatement of the law that rendered it more relevant to their specific needs and addressed the existing gaps, this could be achieved through a compilation and adaptation of existing international law to the needs of internally displaced persons, thus rendering it unnecessary to create new law. This manner of working within existing law that had already been agreed upon by States, and formulating guidance for its specific application to internally displaced persons, was an innovative and key feature of the Guiding Principles.[12] The fact that they were based on and reflected existing international human rights and humanitarian law, and by analogy, international refugee law, strengthened their standing and acceptance by States.

25. The Guiding Principles on Internal Displacement were drafted and subject to a broad-based consultation process from 1996 to 1998, and finalized at a conference of 50 international experts in Vienna, hosted by the Government of Austria. In 1998, the Special Representative presented the outcome of this work to the Human Rights Commission, which unanimously adopted resolution 1998/50, in which it took note of the Guiding Principles and of the Special Representative's stated intention to use them in his ongoing dialogue with Governments and other relevant actors. An annotated version of the Guiding Principles published in 2000 further improved understanding of their legal foundations by detailing the provisions in hard law on which each of the Guiding Principles is based.[13]

D. Trigger of a United Nations humanitarian system-wide review

26. Faced with the dimensions of the issue of internally displaced persons and the lack of defined institutional or operational frameworks to address it, the international community called not only for the development of normative standards on internally displaced persons but also for a review of the capacity and coordination arrangements within the United Nations system for humanitarian assistance.

27. In 1990, in its resolution 1990/78, the Economic and Social Council requested the Secretary-General to initiate a United Nations system-wide review to assess the experience and capacity of various organizations in the coordination of assistance to all refugees, displaced persons and returnees and to recommend ways of maximizing cooperation and coordination among the various organizations of the United Nations system in order to ensure an effective response to the problems of those populations. In its resolution 1991/25, the then Commission on Human Rights also specifically requested the Secretary-General to take into account the protection of the human rights of internally displaced persons in the system-wide review and submit to the Commission an analytical report on internally displaced persons.

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[12] Ibid., p. 464.

[13] Walter Kälin, *Guiding Principles on Internal Displacement: Annotations*, 2nd ed., Studies in Transnational Legal Policy, No. 38, American Society of International Law and Brookings Institution (Washington, D.C., 2008).

28. Following the Secretary-General's report on the system-wide review (E/CN.4/1992/23), a number of significant measures were taken to strengthen the coordination of humanitarian emergency assistance of the United Nations, including the designation of an emergency relief coordinator and the establishment of the Inter-Agency Standing Committee, to be chaired by the Emergency Relief Coordinator (see General Assembly resolution 46/182, annex, paras. 34 and 38). The Inter-Agency Standing Committee includes all United Nations operational agencies, this mandate, intergovernmental organizations, such as the International Committee of the Red Cross (ICRC) and IOM, and non-governmental organizations, either by standing invitation or on an ad hoc basis. The Inter-Agency Standing Committee therefore became the primary mechanism for inter-agency coordination and the development of policy for ensuring a coherent and timely response to humanitarian emergencies (see General Assembly resolution 48/57, para. 6).

29. Subsequently, and as part of the United Nations reform of 1997, the General Assembly explicitly tasked the Emergency Relief Coordinator to take on a central role in the inter-agency coordination of protection and assistance to internally displaced persons (see A/51/950, para. 186). In December 1999, the Inter-Agency Standing Committee adopted the policy paper on the protection of internally displaced persons submitted to it by the Special Representative of the Secretary-General, Francis Deng, thereby representing an acknowledgement by the heads of the various United Nations agencies that the protection of internally displaced persons was "of concern to all humanitarian/development agencies", and establishing the "collaborative approach" as the main vehicle for the inter-agency response to the needs of internally displaced persons.[14]

30. However, a study undertaken a few years later, in 2003, found that while considerable efforts had been made in a number of countries, the United Nations approach to protecting the rights of internally displaced persons continued to be largely ad hoc and suffered from insufficient political and financial support, which had undermined efforts in the field.[15] The General Assembly reiterated the need to further strengthen inter-agency arrangements and the capacities of the United Nations and other relevant actors in order to meet the immense challenges of internal displacement and stressed the importance of an effective, accountable and predictable collaborative approach (resolution 58/177, para. 13). This led to the adoption by the Inter-Agency Standing Committee of a policy which sought to reinforce the collaborative response,[16] but which was subsequently superseded in 2006 by the cluster approach, an arrangement aimed at creating more predictable and accountable leadership in nine sectors of humanitarian response.[17]

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[14] "Protection of internally displaced persons", Inter-Agency Standing Committee Policy Paper Series, No. 2, New York (2000), 2; IASC Policy Package on Implementing the Collaborative Response in Situations of Internal Displacement, September 2004.

[15] Simon Bagshaw and Diane Paul, *Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons*, Office for the Coordination of Humanitarian Affairs, Inter-agency Internal Displacement Division, and Brookings-SAIA Project on Internal Displacement, November 2004, pp. vi, 3-5.

[16] Inter-Agency Standing Committee, *Implementing the Collaborative Response in Situations of Internal Displacement: Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams*, Inter-Agency Standing Committee, September 2004.

[17] Inter-Agency Standing Committee, "Guidance note on using the cluster approach to strengthen humanitarian response", 24 November 2006.

31. This humanitarian reform process, and the cluster system currently in place, seeks to render the humanitarian response (including in internal displacement situations) more predictable, through a system by which different organizations assume lead responsibility for specific sectors of the response. The system has introduced significant improvements with regard to predictability, clearer lines of responsibility and improved coordination. It has also raised a number of challenges, including the challenge of coordination between a large number of diverse actors with different organizational mandates, tools and approaches. The ongoing work being done to streamline some of those approaches and tools, to enhance coordination and information sharing systems, and to learn from the ongoing evaluation of the work of cluster teams in various parts of the world, and the wider efforts to strengthen humanitarian system structures (such as through the current "transformative agenda"), are essential to the evolution of a system challenged not only by its own structural complexities but also by complex and changing humanitarian environments and needs.

32. Spurred in large part by the need to render the response to situations of internal displacement more consistent, systemic and predictable, the humanitarian reform agenda has had much wider implications and benefits for the humanitarian sector more generally. Even as the humanitarian system reform agenda has widened, it remains important that the specificities of situations of internal displacement and the rights of internally displaced persons not be lost, and that the Inter-Agency Standing Committee and the Emergency Relief Coordinator continue to seek positive advancements with regard to approaches, guidance and structures to respond to the particular needs of the internally displaced. Far from constituting a form of discrimination vis-à-vis other groups, addressing the particular needs and rights of internally displaced persons allows for the articulation of specific prevention and preparedness measures and the provision of tailored assistance, protection and durable solutions to displacement which support States and affected communities more effectively, thereby increasing compliance with international human rights norms and promoting inclusion, stability and security.

E. Second wave of advancements in the field of internal displacement: acceptance and use of the Guiding Principles

33. The development of the Guiding Principles was an essential first step in establishing a normative framework providing international minimum standards for the treatment of internally displaced persons. A second wave of normative and operational advances which would translate the Guiding Principles into concrete programmes and legal and policy frameworks on the ground would eventually become possible thanks to the broad-based acceptance and growing authority of the Guiding Principles.

34. At the global level, the Heads of State and Government assembled in New York for the 2005 World Summit unanimously recognized the Guiding Principles as an important international framework for the protection of internally displaced persons (General Assembly resolution 60/1, para. 132), a recognition subsequently echoed by the Human Rights Council in its resolutions 6/32 and 20/9, and the General Assembly in resolution 66/125. The General Assembly further welcomed the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations were applying them as a standard, and

encouraged all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement (resolution 62/152, para. 10). In addition, it has also recognized that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement (resolution 66/165, tenth preambular paragraph).

35. The 2005 ICRC study on customary international humanitarian law, conducted on the basis of a request by States and Red Cross and Red Crescent Societies, recognized the role of the Guiding Principles as a source of customary law.[18] Based on State practices, the study developed rules applicable to internally displaced persons. These rules make explicit reference to the Guiding Principles.

Regional developments

36. Over the course of the past 20 years, regional and subregional intergovernmental organizations have increasingly acknowledged, relied on or even adopted the Guiding Principles. They include the African Union, the International Conference on the Great Lakes Region, the Economic Community of West African States, the Inter-American Commission on Human Rights of the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe.[19]

37. In 2006, however, the Guiding Principles would assume a new legal stature in the context of Africa, when member States of the International Conference on the Great Lakes Region established a legal framework for the formal legal adoption and implementation of the Guiding Principles. As part of the Conference process, 11 States of the Great Lakes region of Africa adopted in 2006 a binding Pact on Security, Stability and Development in the Great Lakes Region,[20] with 10 separate protocols, including two which recognize the importance of the Guiding Principles on Internal Displacement, namely the Protocol on the Protection and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons. The Protocol on Internally Displaced Persons, which entered into force in June 2008, obliges member States of the International Conference on the Great Lakes Region to enact national legislation to domesticate the Guiding Principles fully and to provide a legal framework for their implementation within national legal systems (art. 6.3) and to ensure the effective participation of internally displaced persons in developing such legislation (art. 6.5).

38. The Protocol on Internally Displaced Persons served as an impetus for the African Union to draft the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).[21] A

[18] Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, vols. I and II, International Committee of the Red Cross and Cambridge University Press (2006); www.icrc.org/customary-ihl/eng/docs/home. See vol. I, "Rules", chap. 38.

[19] See www.brookings.edu/about/projects/idp/laws-and-policies/regional-policies.

[20] Chaloka Beyani, "Introductory note to the Pact on Security, Stability and Development in the Great Lakes Region", in *International Legal Materials*, 46 (1), 2007, pp. 173-175, American Society of International Law.

[21] Chaloka Beyani, "Recent developments: the elaboration of a legal framework for the protection of internally displaced persons in Africa", *Journal of African Law*, 50 (2), 2006, Cambridge, pp. 187-197.

watershed in international law for the protection of internally displaced persons, the Kampala Convention was adopted by the African Union at its first ever Special Summit on Refugees, Returnees and Internally Displaced Persons, held in Kampala in October 2009. Developed over a five-year period, a process to which this mandate contributed at the request of the African Union, the Kampala Convention incorporates the Guiding Principles and sets out obligations for States parties, the African Union and humanitarian agencies in relation to all phases of displacement.

39. The Kampala Convention represents a pioneering instrument in several respects. It recognizes a range of causes of internal displacement for which States parties are obliged to protect and assist internally displaced persons, including, most notably, climate change and development projects.[22] It specifically requires national authorities to take a number of specific measures, such as developing appropriate institutional mechanisms, policies, strategies and legislation, and identifying funds for protection and assistance activities. In addition to stipulating the obligations of States parties, the Convention also outlines responsibilities of non-State actors and armed groups with regard to protection and assistance to internally displaced persons in areas under their control. The Special Rapporteur is pleased to note that, as of 19 July 2012, the Convention had been signed by 38 member States, and ratified by 14 member States, 13 of which had already deposited their ratifications.[23] It is encouraging to see the member States of the African Union recognize their responsibilities to protect and assist those affected by developing the first legally binding instrument specific to internal displacement.

40. In other regions of the world, States have also committed themselves to adhering to the Guiding Principles and incorporating them in their domestic legal frameworks in non-binding regional instruments. For example, Organization of American States resolution 2667 of 2011 is notable in this respect, as is recommendation Rec (2006)6 of the Council of Europe.

41. We have also seen the development of jurisprudence by regional courts, which has strengthened the normative authority of the Guiding Principles and State responsibilities vis-à-vis internally displaced persons. For example, the African Commission on Human and Peoples' Rights has adopted landmark decisions regarding the rights and freedoms of internally displaced persons and related State responsibilities, such as in the *Endorois* case and the *Malawi Association* case.[24] The Inter-American Court of Human Rights, in the *"Mapiripan Massacre" v. Colombia* case, upheld the legal responsibility of the State for displacement caused by paramilitary groups or armed groups, on the basis of their failure to act promptly to prevent the displacement in the first place and to create the conditions allowing internally displaced persons to return home in safety.[25] The European Court of Human Rights has also addressed issues pertaining to the rights of internally displaced persons, including return, housing and property rights.[26] In some of these instances, the Guiding Principles have been referred to or used by courts in their

[22] See articles 1.k, 4.4, 5.4 and 10 of the Kampala Convention.

[23] The Convention requires 15 ratifications in order to become binding.

[24] See *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, Communication 276/2003; and *Malawi Association and Others v. Mauritania*, Communication 54/91.

[25] *"Mapiripan Massacre" v. Colombia*, Judgment, 15 September 2005.

[26] For example, European Court of Human Rights, *Soltanov and Others v. Azerbaijan*, Judgment, 13 January 2011; and *Isayeva v. Russia*, Judgment, 24 February 2005.

assessment.[27] Those decisions demonstrate not only the engagement of human rights protection mechanisms in various regions of the world but also the variety of contexts in which the need for protection of internally displaced persons and State responsibilities arise.[28]

National frameworks on internal displacement

42. In recognition of the primary responsibility of the State for protection and assistance to internally displaced persons, the General Assembly, the Human Rights Council and its predecessor, the Commission on Human Rights, have over the years repeatedly encouraged Governments to develop domestic legal and policy frameworks based on the Guiding Principles.[29] It is estimated that, at present, over 20 countries have adopted or issued policies, laws or decrees relating specifically to internal displacement.[30] A number of other countries, including Afghanistan, the Central African Republic, Kenya, Nigeria and Yemen, are currently in the process of developing, or have already announced, draft national policies or legislation, a process which this mandate has routinely supported. Of note also is the adoption of the first state- or provincial-level law on internally displaced persons, in Mexico, where the State of Chiapas adopted a law on displacement in February 2012 which incorporates the Guiding Principles.

43. While those laws and policies mark positive developments, many domestic frameworks adopted to date vary in their scope, guarantees of protection and assistance to internally displaced persons, and coverage of relevant issues. Not all of the laws and policies include a definition of an internally displaced person or provide clear institutional responsibilities, and many address only a particular cause or stage of displacement, such as conflict or return, while others focus only on particular rights. Domestic courts have, in some cases, referred to the Guiding Principles to call on Governments to fulfil their responsibilities with regard to internally displaced persons. For example, the Constitutional Court of Colombia ruled that the Guiding Principles must be considered as parameters for the creation and interpretation of norms regulating internal displacement and the attention given by the State to the internally displaced.[31]

44. Other significant activities in support of the development of national internal displacement frameworks, to which this mandate has contributed, include a manual for law and policymakers, published in 2008, which provides guidance to national authorities seeking to develop domestic legislation and policies addressing internal displacement in their countries.[32] An earlier and important publication, *Addressing Internal Displacement: A Framework for National Responsibility*, published in

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[27] European Court of Human Rights: *Doğan and Others v. Turkey*, Judgment (merits), 29 June 2004, para. 154; *Saghinadze and Others v. Georgia*, Application Judgment (merits), 27 May 2010, paras. 70, 115.

[28] Chaloka Beyani, "Recent developments", p. 193.

[29] See, for example, General Assembly resolution 60/168 and Commission on Human Rights resolution 2005/46.

[30] See www.brookings.edu/about/projects/idp/laws-and-policies/idp-policies-index.

[31] Constitutional Court of Colombia, decision No. SU-1150/2000, para. 38; also see decision T-025 of 2004 by the same court.

[32] Brookings-Bern Project on Internal Displacement, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, October 2008.

2005, provides guidance to Governments in relation to their national responsibilities for internally displaced persons, in the form of 12 benchmarks which enable States to prevent, address and provide durable solutions to internal displacement.[33]

45. More recently, a study published in 2011 used the *Framework for National Responsibility* as a basis to examine the manner and extent to which national authorities were addressing internal displacement in 15 of the 20 countries most affected by internal displacement due to conflict, generalized violence and human rights violations.[34] One of the study's main findings was that national human rights institutions can play a pivotal role in improving national responses to internal displacement. In particular, they have played an important role in raising awareness of internal displacement, monitoring displacement situations and returns, investigating individual complaints, advocating for and advising Governments on the drafting of national policies to address internal displacement, and monitoring and reporting on the implementation of national policies and legislation.[35] The Special Rapporteur is pleased that an increasing number of national human rights institutions are integrating internal displacement into their work, and will continue supporting them in this critical role.

Other significant advancements and developments

46. A number of other advances and developments are also worthy of note. Among them is the development of standards, operational guidance and a variety of other tools intended to support relevant actors in addressing various aspects, stages or types of internal displacement. In the context of the cluster approach for example, the Global Protection Cluster Working Group, composed of United Nations agencies and non-governmental and intergovernmental organizations, initiated a process of consultations leading to the publication of *The Handbook for the Protection of Internally Displaced Persons*, which has proven an invaluable tool for humanitarian and protection actors involved in the provision of humanitarian assistance and protection in the field.

47. In the area of durable solutions, the mandate undertook a process of consultations and revisions throughout a number of years, aimed at developing practical guidance on durable solutions to internal displacement. That process culminated in the *Framework on Durable Solutions for Internally Displaced Persons* (the Framework), which was presented to the Human Rights Council in 2010 (A/HRC/13/2, Add.4) and endorsed by the Inter-Agency Standing Committee. The Framework provides guidance to national and local authorities, as well as humanitarian and development actors for achieving durable solutions, and includes rights-based principles to guide action, and indicators to monitor progress, towards durable solutions. The Framework stipulates that a durable solution is achieved when internally displaced persons no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human

[33] Brookings-Bern Project on Internal Displacement, *Addressing Internal Displacement: A Framework for National Responsibility*, April 2005.

[34] Elizabeth Ferris, Erin Mooney and Chareen Stark, *From Responsibility to Response: Assessing National Approaches to Internal Displacement*, Brookings-LSE Project on Internal Displacement, November 2011.

[35] Ibid., p. xiii.

rights without discrimination resulting from their displacement (ibid., para. 8). The Special Rapporteur is also pleased to note the Framework on Ending Displacement in the Aftermath of Conflict, issued by the Secretary-General,[36] which puts forward a United Nations strategy to enhance support for durable solutions for internally displaced persons and refugees returning to their countries of origin in post-conflict contexts. The Special Rapporteur fully endorses that initiative and is committed to providing his support to that process.

48. In 2011, the Special Rapporteur devoted his report to the General Assembly to the topic of climate change and its impact on internal displacement (A/66/285). In that regard, he is pleased to note the important efforts being made by the international, humanitarian and human rights communities to raise awareness and improve responses to internal displacement caused by the effects of both sudden and slow onset climate change.[37] While continued efforts are necessary, coordinated advocacy on this issue resulted, in December 2010, in an important breakthrough, namely the adoption by the Conference of the Parties to the United Nations Framework Convention on Climate Change, during its meeting in Cancun, Mexico, of an adaptation framework which expressly acknowledges climate-induced displacement. The Cancun Agreements call for measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation.[38] It is essential that adaptation frameworks be comprehensive in nature so as to encompass a variety of possible dynamics and responses to internal displacement, for example, disaster risk reduction and prevention, planned and pre-emptive movement, and durable solutions; that they adopt a human rights-based approach; and that they be adequately supported (see A/66/285).

F. Role and impact of the mandate

49. From 1992, when the Secretary-General appointed his first Special Representative on internally displaced persons, to the subsequent appointment of his Representative, Walter Kälin (in 2004) and the appointment by the Human Rights Council in September 2010 of Chaloka Beyani as the Special Rapporteur on the human rights of internally displaced persons, the mandate has successfully built on its partnerships, working methods, thematic expertise and normative standards.

50. Throughout the past 20 years of its existence and the various humanitarian reform initiatives that have taken place, the mandate has maintained a unique position and advocacy function concerning the human rights of internally displaced persons, in a context where there is no lead or single United Nations agency designated to be the voice for the internally displaced or to have an overall mandate for them. It has undertaken advocacy functions at all levels, international, national and regional, including more recently with respect to the ratification of the Kampala

[36] Secretary-General's Policy Committee decision No. 2011/20, "Durable solutions: follow up to the Secretary-General's 2009 report on peacebuilding".

[37] See, for example, document A/HRC/10/61; the Nansen Principles on Climate Change and Displacement, available at www.unhrc.org/4ea969729.pdf; and the work on disaster law done by the International Federation of Red Cross and Red Crescent Societies, details of which are available from www.ifrc.org/en/what-we-do/idrl/research-tools-and-publications.

[38] Framework Convention on Climate Change, Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010, Part Two: Action Taken by the Conference of the Parties at its sixteenth session (FCCC/CP/2010/7/Add.1) para. 14 (f).

Convention. Drawing on its legacy of the Guiding Principles, it has worked to give practical effect to them through the development of normative standards and guidance intended to assist Governments and the humanitarian and development communities to operationalize different aspects of the Guiding Principles at different stages of displacement (A/HRC/13/21/Add.4).

51. The mandate has also played an essential role in mainstreaming the human rights of internally displaced persons within the United Nations system. Its participation in the Inter-Agency Standing Committee has been and continues to be a central platform for that mainstreaming role, as it continues to advocate for the integration of issues relating to internal displacement in Inter-Agency Standing Committee policies and operational strategies. Increased understanding and mainstreaming of those issues within the United Nations system has also been made possible through the mandate's partnerships and close engagement with United Nations agencies such as UNHCR, the Office for the Coordination of Humanitarian Affairs and OHCHR, as well as the General Assembly and mechanisms of the Human Rights Council, such as other special procedure mandates and treaty bodies, for example, the Committee on the Elimination of Discrimination against Women and the Human Rights Committee. Through its thematic reports and inputs to those bodies, the mandate has regularly highlighted the specific human rights dimensions of internal displacement and raised new or neglected aspects of the rights of internally displaced persons, such as their participation in peace processes,[39] the impact on their human rights of larger phenomena such as climate change (A/66/285), the protection of persons in situations of natural disasters (A/HRC/16/43/Add.5), and the situation of internally displaced persons outside camps (A/HRC/19/54).

52. Recognizing the primary responsibility of the State for protection and assistance to internally displaced persons, a key focus of the mandate has been to support States in meeting that responsibility. It has done so through country visits and a strong tradition of follow-up visits, as well as other forms of continued practical engagement with States, such as participation in national workshops; the provision of technical guidance and support in the development of national legal and policy frameworks, as in the case of Kenya and Afghanistan more recently; and through training programmes such as the annual San Remo Course on the Law of Internal Displacement.[40] Over the course of its existence, the mandate has visited over 30 countries, many repeatedly through follow-up visits, a key feature of the mandate's working methods intended to promote a process of continued dialogue with and support to States in the implementation of the mandate's recommendations and other initiatives on behalf of internally displaced persons.

53. In addition to the San Remo training programme, other training on internal displacement, including regional training in various parts of the world, in which the mandate participates regularly, have been aimed at enhancing expertise among various actors, including representatives of civil society, United Nations country offices and international organizations. The mandate's continued engagement with civil society groups and with the internally displaced themselves, both at the

[39] United States Institute of Peace and Brookings-Bern Project on Internal Displacement, *Integrating Internal Displacement in Peace Processes and Agreements*, Peacemaker's Toolkit, 2010.

[40] Over the past seven years of its existence, this annual week-long course has provided training to over 190 mid- and high-level Government officials working on internal displacement issues from all over the world.

international level and during country visits, has not only enabled it to better monitor situations of internal displacement across the globe, but also to better understand its root causes and consequences, the specific vulnerabilities of internally displaced persons and the incredible resources that they can bring to their communities and countries.

G. Trends and focus areas

1. Trends

(a) Recognition by individual States of the need to address internal displacement

54. Over the last 20 years, one of the most important trends in the protection of internally displaced persons has been the progressive acceptance by individual States that, under their human rights and international humanitarian law obligations, they bear responsibility for establishing specific protection measures for the internally displaced. The recognition that internal displacement is a problem with far-reaching consequences relating to demographic impact, national budgetary implications and development strategies has in many cases resulted in an increasingly pragmatic approach towards the Guiding Principles, and the adoption of a growing body of legally binding instruments at the national and regional levels by States which see the need for the rational management of internal displacement and for frameworks to regulate their responses. The progressive involvement of regional institutions on the issue, such as the African Union, the Inter-American Court of Human Rights and the European Court of Human Rights, as well as the efforts of international humanitarian, protection and human rights institutions in providing training, advocacy and operational guidance frameworks, for example the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons, have further supported that evolution and States' capacity and efforts.

(b) Megatrends and other factors interacting with internal displacement

55. Megatrends and overriding social or other factors, such as climate change, exert pressures which interact closely with and often exacerbate internal displacement. Those significant global megatrends include population growth, rapid urbanization, increased human mobility, and food, water and energy insecurity. Those megatrends, which themselves are likely to have a negative impact on human rights and potentially cause displacement, are, moreover, predicted to interact with the effects of sudden and slow onset climate change and affect the magnitude and patterns of internal displacement (A/66/285, para. 28). Against this background and related social and political pressures, climate change is predicted to act as an impact multiplier and accelerator of internal displacement, which will be characterized by multiple causalities, including conflicts and insecurity due to competition over resources or loss of livelihoods (ibid., para. 29).

56. While the increased frequency and intensity of sudden onset natural hazards, for example flooding or mudslides, associated with changes in climate are very apparent and are increasingly challenging many Governments, climate change-related adaptation strategies will also need to address slow onset events, such as increased droughts, desertification, environmental degradation and rising temperatures, which undermine agricultural livelihoods and reduce food security. In this context, it will be important to monitor and understand the regional particularities of related

displacement patterns and their various causes, and to develop and support climate change adaptation frameworks which comprehensively integrate internal displacement from a human rights-based approach. Increased awareness, research and monitoring mechanisms are necessary in order to understand better the possible impact of displacement caused by global megatrends, for example human mobility and population growth, and factors such as climate change, and to enable Governments to anticipate, plan and adapt their socioeconomic and development structures and strategies.

(c) Internal displacement in urban contexts

57. One global trend which is expected to interact increasingly with internal displacement is the rapid urbanization being experienced in most parts of the world. By 2030, the urban population is expected to exceed 5 billion and it is estimated that 80 per cent of that number will live in urban centres in the developing world. At present, over one third of all urban dwellers in the world live in precarious informal settlements and slums, and in many countries this figure can be above 50 per cent (A/66/285, para. 66; A/HRC/19/54). With rapid urbanization in developing countries in coming years, much of which is likely to be unplanned, those informal settlements are expected to grow exponentially, as are housing costs — another trend predicted to continue. Moreover, factors related to climate change, such as the difficulty in securing traditional livelihoods in parts of some countries, increased frequency of natural disasters, and conflicts, are further push factors for rural to urban migration — often through forced displacement.

58. While urban environments can often provide a conducive setting for internally displaced persons to rebuild their lives, they also present important protection and other challenges. This is especially the case since internally displaced persons, who usually live within host communities rather than in defined camp settings, can be difficult to identify and assist in urban contexts. While precise estimates, including of future displacement, are not available, internal displacement, including secondary displacements, connected to the global trend of largely unplanned rapid urbanization, stands out as an issue meriting much more attention and data collection. Situations of unplanned migration or displacement to urban areas are more likely to result in a lack of security of housing or land tenure and in settlement in hazard prone areas, often by marginalized or vulnerable populations, such as internally displaced persons. In turn, this is likely to lead to more forced internal displacements due to the threat of or actual natural disasters, for example flooding or mudslides, in those areas; mass evictions for development projects or other reasons as cities try to modernize and enforce urban planning and decongestion; or urban violence. More work on internal displacement in urban contexts will continue to be required, including from the perspective of urban planning, in relation to emergencies and natural disasters in urban areas, humanitarian and development assistance and guidelines in cases of mass eviction, and from the point of view of local integration as a durable solution in urban areas (see A/HRC/19/54 for recommendations).

(d) Displacement issues related to criminality and proliferation of non-State armed groups

59. Internal armed conflicts and violence continue to be a major cause of internal displacement and often lead to situations of protracted displacement and some of the most egregious human rights violations. That situation is aggravated in the case of asymmetric armed conflict between States and one or more non-State armed groups,

for example militia groups, paramilitary groups or armed gangs, and the increasing intersection of political and criminal violence. Non-State armed groups, for example often use sexual violence as a method of warfare or in order to forcibly displace civilian populations, frequently hinder or block access to humanitarian assistance and leave behind landmines and improvised explosive devices which impede returns.

60. In particular, there is increasing interest in and research on internal displacement caused by violence linked to organized crime in situations which do not reach the threshold of armed conflict. In that context, there are indications of an increased reference to and use of humanitarian categories, actors and responses (including with regard to internal displacement) to conflicts and situations of armed violence where criminality plays an important role. An example is the debate around responses relating to internal displacement in situations of violence stemming from the activities of drug cartels or fighting between the police, the military and drug gangs.[41] It will be important to strengthen monitoring of those causes of internal displacement and their humanitarian and human rights consequences, and of accountability mechanisms in relation to that issue[42] and awareness-raising among all parties on applicable national and international rules and responsibilities, including with respect to the prohibition of forced displacement.

61. Relatedly, there appears to be a growing interest in regulating the State's general obligations to victims of organized violence and armed conflict which have led to displacement, in terms of protection, justice and reparations processes.[43] In some cases, obligations towards internally displaced persons have been integrated within general obligations towards victims, a development which can be positive to the extent that the specific needs of internally displaced persons are given adequate consideration in response strategies.[44]

2. Reflections on focus areas

62. A significant amount of guidance and important advances have been achieved over the past two decades on key displacement issues and challenges, such as gender and displacement, methodologies in relation to needs assessments, data collection, and participatory and community-based approaches. Much of this work borrowed from the refugee context, and in some instances the specificities of internal displacement are still being articulated. In some areas, the limitations of previous approaches and methods are being seen, and emerging challenges and new focus areas are being identified.

63. The significant body of work in the area of gender and displacement, for example, has resulted in the recognition that displacement affects women and men differently and that, as a result, they may have specific protection and assistance needs. Yet, at the present juncture, it may be opportune to examine the level of impact on the ground of approaches in this area, and to consider alternative strategies

[41] See www.internal-displacement.org/countries/mexico, for studies on this issue in relation to Mexico, including "Generalized criminal violence in Mexico: basis, priorities, and challenges for humanitarian engagement" by Sebastián Albuja, 30 June 2011.

[42] See Guiding Principles, Principle 2; Kampala Convention, arts. 5.11 and 7.5.

[43] See various articles on this issue and on non-State armed groups more broadly in Refugee Studies Centre, *Forced Migration Review*, Issue 37, March 2011, pp. 4-42.

[44] For example, Colombia: Law 1448 on Victims and Land Restitution, of 10 June 2011, art. 3, and chap. III; www.unhcr.org/refworld/docid/4f99029f2.html.

for promoting the skills, resources and meaningful participation of internally displaced women, at all levels. For those reasons, the mandate will dedicate its 2013 report to the Human Rights Council to the issue of internally displaced women. Other issues also merit study, such as responses to internally displaced persons living outside of camp settings, and the specific protection and assistance needs of migrants affected by internal displacement in their host countries.

64. Further areas in need of strengthened and more focused attention include preparedness, prevention and mitigation frameworks relating to internal displacement; norms relating to appropriate compensation of or reparation to internally displaced persons; climate change and approaches for addressing displacement in slow onset disasters; and bridging of the humanitarian/development gap, which continues to be both structural and operational. The need for greater support can also be envisaged in order to strengthen the role and capacity of national human rights institutions in the protection of the rights of internally displaced persons; to assist States in addressing the administrative and structural challenges faced by central and local authorities that impede effective responses to situations of internal displacement; and to assist regional institutions and States in the development of policy and legal frameworks on internal displacement, in line with international standards. While not exhaustive, the above list is representative of some of the opportunities and challenges in addressing internal displacement in coming years.

IV. Conclusions and recommendations

65. **Impressive advances in the response to internal displacement have been achieved over the past two decades, at the normative, operational and institutional levels. After the recognition of the phenomenon in the early 1990s, the subsequent development of the Guiding Principles provided a much needed framework enabling Governments to exercise their responsibilities more effectively in situations of internal displacement, as well as important guidance for humanitarian actors and the United Nations. With the growing use of the Guiding Principles, and thanks to capacity-building and training activities over the years, many States have now adopted their own national legal and policy frameworks and, in Africa, the Kampala Convention, the first binding regional instrument relating to internally displaced persons is expected to come into force imminently. At the institutional and operational levels, the cumulative body of work of this mandate and the humanitarian reforms undertaken over the past 20 years have led to more coordinated, systemic and predictable responses to situations of internal displacement. Together with the efforts of national authorities and non-governmental organizations, both international and national, the above advances have made possible protection, assistance and durable solutions for millions of internally displaced persons.**

66. **At the same time, internal displacement remains one of the world's most significant human rights and humanitarian challenges, as millions of people continue to be internally displaced every year by conflict, violence, human rights violations, disasters and development projects. Megatrends, such as rapid urbanization, human mobility and population growth, and other factors, such as increased natural disasters and climate change (which exert social and political pressures, and increase competition over scarce resources and livelihoods) are expected to further affect the magnitude and patterns of internal**

displacement in the future. In this context, responses to internal displacement situations will require that States and international and civil society actors be ready to adopt comprehensive frameworks which address all types and stages of internal displacement, address new issues or areas in which responses need to be strengthened, and pay particular attention to prevention and durable solutions strategies.

67. **In view of the above, the Special Rapporteur makes the following recommendations to:**

National authorities

(a) **Adopt comprehensive national policy, institutional and legal frameworks to address internal displacement, in line with the Guiding Principles, including disaster preparedness and disaster management laws, and develop the necessary awareness, capacity, financial and administrative mechanisms and political willingness to implement them in practice;**

(b) **Ratify and implement the Kampala Convention — for member States of the African Union; implement the Pact on Security, Stability and Development in the Great Lakes Region — for member States of the International Conference on the Great Lakes Region;**

(c) **Develop strategies and take measures which will contribute to preventing internal displacement and promoting durable solutions as soon as possible, including by building resilience and mitigating the negative impact of displacement on the human rights of internally displaced persons. Measures which have been shown to have positive effects include good practices in relation to, inter alia, conflict resolution mechanisms, including in relation to land disputes; civil status, for example birth registration, and property title registries; contingency strategies, early-warning systems and community intervention mechanisms; mechanisms for the meaningful participation of internally displaced persons in decisions which have an impact on their lives; and capacity-building measures which enhance the capacity of all levels of Government, in particular local authorities, and of civil society to address internal displacement;**

(d) **Take the necessary measures to ensure accountability for violations of applicable international law, including by non-State actors, which cause arbitrary displacement; promote and facilitate the participation of internally displaced persons in political, reconciliation and peace processes which affect them; and establish the necessary conditions to enable internally displaced persons to find the durable solution of their choice and rebuild their lives at the earliest opportunity;**

International community, and humanitarian and development actors, as relevant

(e) **Continue to promote and strengthen the work of regional organizations and mechanisms on all aspects of internal displacement, including with regard to: the development and implementation of regional instruments and guidance on internal displacement, in line with international standards; human rights protection; coordination of humanitarian and other related activities; advocacy and capacity-building; and monitoring and early-warning mechanisms which identity specific patterns and causes of internal displacement in the region;**

(f) Monitor, support and build capacity to address climate change-related internal displacement, including displacement due to both sudden and slow onset natural hazards. In that regard, relevant international and national actors should, inter alia, increase awareness and understanding of displacement caused by slow onset natural disasters; develop concrete strategies and measures to follow up on relevant provisions of the Cancun Agreement; and promote a human rights-based approach in all actions and strategies to address displacement related to natural disasters and climate change. Relevant actors should also develop adaptation measures which are comprehensive and include disaster risk reduction and prevention, and the minimization of internal displacement, as well as durable solutions; promote mechanisms for the engagement of affected communities; and develop guidance for States on how to ensure that displacement is taken into account in the climate change debate, on available normative standards and on the human rights implications of that type of displacement;

(g) Continue to identify and address the various causes of internal displacement, emerging issues and areas which need to be strengthened through improved understanding, methodologies, approaches and responses. Such areas include, inter alia, the impact of global megatrends on internal displacement; responses to internally displaced persons outside of camps; frameworks and approaches to better promote the meaningful participation and empowerment of internally displaced women; strategies to revive practical and political action in protracted displacement situations; and bridging of the humanitarian/development gap by analysing and addressing the structural, institutional and operational factors which sustain it and impede early recovery and durable solutions;

(h) Support actors within the international humanitarian and human rights system, including the Inter-Agency Standing Committee and members of the cluster system, to take the above challenges fully on board, and ensure that related policies and decisions specifically include and address the displacement-specific protection, assistance and durable solution needs of internally displaced persons; advocate for and support development actors in ensuring full respect for the human rights of internally displaced persons in the implementation of development projects; further integrate the human rights of internally displaced persons into the work of the universal periodic review process and of human rights treaty bodies;

(i) Support civil society and national human rights institutions in integrating the human rights of internally displaced persons into their national workplans, through increased awareness-raising and capacity-building;

(j) Continue to promote and support the work of the mandate on the human rights of internally displaced persons, supported by OHCHR, including the mandate's continued contribution to the development of normative frameworks and guidance; concrete improvements on the ground through its engagement with States and civil society; its close cooperation with key United Nations entities such as UNHCR and the Office for the Coordination of Humanitarian Affairs; its participation in the Inter-Agency Standing Committee; and its unique mainstreaming and advocacy role.